

Washington State Retail Food Code Working Document

Chapter 246-215 Washington Administrative Code (WAC)

Modification of 2001 FDA Food Code

Washington State Department of Health
Division of Environmental Health
Food Safety Program

Preface

Chapter 246-215 of the Washington Administrative Code (WAC) sets standards for food served or sold to the public of Washington state. The State Board of Health adopted a major revision of these rules in September 2004, adopting the 2001 FDA Food Code with modifications and additions. The revised rules are effective May 2, 2005.

This document incorporates the provisions of Chapter 246-215 WAC into the structure of the FDA Food Code. Modifications and additions are represented in the same format as the FDA Food Code:

Chapter	9
Part	9-1
Subpart	9-101
Section (§)	9-101.11
Paragraph (§§)	9-101.11(A)
Subparagraph	9-101.11(A)(1)

FDA Food Code text is presented in Arial font, while text added by the WAC modifications is in Times New Roman. The WAC section that modifies the Food Code is located at the point of modification. CAPITALIZED words indicate that the word or phrase is defined in Chapter 1. Portions of some sections are written in *italics*. These italicized provisions are not requirements, but are provided to convey relevant information about specific exceptions and alternative means for compliance.

This working document integrates the provisions of Chapter 246-215 WAC with the 2001 FDA Food Code and is provided as a reference. For official rule language, refer to Chapter 246-215 WAC, as published by the Washington State Code Reviser's Office, and the 2001 FDA Food Code, as published by the National Technical Information Service.

Purpose, Authority and Performance Standards, Interpretation, Separability, Penalty and Effective Date

Purpose and Authority. [WAC 246-215-001]

The purpose of chapter 246-215 WAC is to establish state board of health standards for food service under RCW 43.20.050 to promote and protect the health, safety, and well-being of the public and prevent the spread of disease through food.

Minimum performance standards. [WAC 246-215-005]

- (1) Any person owning, operating, or working in a food establishment must comply with and is subject to:
 - (a) The requirements of chapters 1 through 8 of the 2001 *Food Code* published by the U.S. Department of Health and Human Services, Public Health Service, Food and Drug Administration (copies available as report number PB 2002100819 through the U.S. Department of Commerce, Technology Administration, National Technical Information Service); and
 - (b) The other provisions of this chapter.
- (2) If a provision or definition of the *Food Code* is inconsistent with a provision or definition otherwise established under this chapter, the requirement established under this chapter shall apply.

Interpretation. [WAC 246-215-280]

- (1) The regulatory authority must enforce these regulations in accordance with the interpretations contained in the 2001 edition of the *Food Code* of the United States Public Health Service, Food and Drug Administration, where applicable.
- (2) If a section of these regulations conflicts with the *Food Code*, these regulations apply.
- (3) When a regulatory authority adopts rules with more stringent provisions than those contained in these regulations, the more stringent rules apply.
- (4) Designations in the *Food Code* of critical, noncritical, and swing violations do not apply.

Separability clause. [WAC 246-215-290]

If any section, paragraph, clause, or phrase of these rules and regulations be declared unconstitutional or invalid for any reason, the remaining rules and regulations will not be affected.

Penalty clause. [WAC 246-215-300]

Any person violating, refusing, or neglecting to comply with these regulations:

- (1) Will, upon conviction, be guilty of a misdemeanor under RCW 70.05.120; or
- (2) May be subject to a civil penalty under local health department/district rules and regulations.

Effective date. [WAC 246-215-311]

The revised provisions of this chapter, as adopted by the state board of health on September 8, 2004, will become effective beginning May 2, 2005.

Chapter 246-215 WAC Provision Location in Working Document

WAC Reference	Working Document Location
246-215-001	ii
246-215-005	ii
246-215-011	1-201.10
246-215-021	2-103.12

WAC 246-215-031 Employee Hygiene

246-215-031(1)	2-302.11(B)
246-215-031(2)	2-303.11

WAC 246-215-041 Food Supplies

246-215-041(1)	3-202.14(B)
246-215-041(2)	3-201.16
246-215-041(3)	3-201.17(A)

WAC 246-215-051 Public Health Labeling

246-215-051(1)	3-602.11(E)
246-215-051(2)	3-602.11(F)
246-215-051(3)	3-201.11(C)
246-215-051(4)	3-203.11(A)
246-215-051(5)	3-203.11(D)
246-215-051(6)	3-203.12(B)(2)(b)
246-215-051(7)	3-501.17 and 3-501.18
246-215-051(8)	3-602.11(A)
246-215-051(9)	3-603.11

246-215-061 Food Handling

246-215-061(1)	3-302.16
246-215-061(2)	3-401.14
246-215-061(3)	3-302.15(C)
246-215-061(4)	3-306.13(A)
246-215-061(5)	3-401.11(A)(1)(a)
246-215-061(6)	3-401.11(A)(2)
246-215-061(7)	3-401.11(A)(3)
246-215-061(8)	3-501.14(3)
246-215-061(9)	3-501.16(A)

246-215-071 Equipment and Utensils

246-215-071(1)	3-306.13(D)
246-215-071(2)	3-304.12(F)
246-215-071(3)	4-501.11(C)
246-215-071(4)	4-602.11(D)(7)

246-215-081 Water, Plumbing and Waste

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246-215-081(2)	4-301.16
246-215-081(3)	5-101.13
246-215-081(4)	5-102.11(A)
246-215-081(5)	5-203.11(C)

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246-215-091(1-3)	5-203.12(B-D)
246-215-091(4)	6-202.110

246-215-121 Mobile Food Units

246-215-121(1-3)	9-101.11(A-C)
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246-215-121(5)	9-102.11
246-215-121(6)	9-102.12
246-215-121(7-8)	9-103.11
246-215-121(9)	9-104.11
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246-215-121(11)	9-105.11
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246-215-121(20)	9-111.11
246-215-121(21)	9-112.11

246-215-131 Temporary Food Establishments

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246-215-131(10)	9-207.11
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246-215-141 Bed and Breakfast Operations

246-215-141(1-4)	9-301.11(A-D)
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246-215-141(6)	9-303.11

246-215-151 Donated Food Distributing Organizations

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246-215-151(9)	9-406.11
246-215-151(10)	9-407.11
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WAC Reference	Working Document Location
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246-215-181(2)	8-401.10(B)(2)
246-215-181(3)	8-401.10(C)
246-215-181(4,5,6)	8-401.20(A,B,H)
246-215-181(7)	8-402.20(A)(2) and 8-402.40
246-215-181(8)	8-403.10
246-215-181(9-10)	8-403.10(B)(2-3)
246-215-181(11)	8-403.20
246-215-181(12)	8-405.11 and 8-405.20
246-215-181(13)	8-406.11

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246-215-210	8-602.11
246-215-220	8-603.11
246-215-240	3-701.12
246-215-251	2-201.11
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